

111th Congress

1st Session

H. RES. _____

Providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 28, 2009

Mr. Hastings, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed.

RESOLUTION

Providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time; and (2) one motion to recommit with or without instructions.

Providing for consideration of the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

April 28, 2009. --Referred to the House Calendar and ordered to be printed

Mr. Hastings, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. ____]

The Committee on Rules, having had under consideration House Resolution ____, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1913, the "Local Law Enforcement Hate Crimes Prevention Act of 2009," under a closed rule. The resolution provides for one hour and twenty minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against the bill, as amended. This does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill's consideration. The waiver of all points of order against consideration of the bill is prophylactic. Although the rule waives all points of order against the bill, as amended, the Committee is not aware of any points of order against the bill, as amended. The waiver of all points of order against the bill, as amended, is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 60

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Dreier

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Rooney, Tom (FL), #1, which would add status as a member of the Armed Forces as a protected class under the bill.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 61

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Dreier

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Goodlatte, Bob (VA), #2, which would add status as a pregnant women as a protected class under the bill.

Results: Defeated 4-6

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	YEA
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 62

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Dreier

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #6, which would bar prosecution of hate crimes based on victim's actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability if the state has no law prohibiting the conduct instead of if the state does not have jurisdiction or does not intend to exercise jurisdiction.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 63

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Sessions

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #7, which would define 'sexual orientation' as not including apotemnophilia, asphyxophilia, autogynephilia, coprophilia, exhibitionism, fetishism, frotteurism, gerontosexuality, incest, kleptophilia, klismaphilia, necrophilia, partialism, pedophilia, sexual masochism, sexual sadism, telephone seatalogia, toucherism, transgenderism, transsexual, transvestite, transvestic fetishism, urophilia, voyeurism, or zoophilia.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 64

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Dreier

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Goodlatte, Bob (VA), #3, which would add status as a senior citizen who has attained the age of 65 years as a protected class under the bill.

Results: Defeated 4-6

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	YEA
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 65

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Sessions

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #8, which would include status as a law enforcement officer as a protected class under the bill.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 66

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Sessions

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #9, which would include the death penalty as a punishment under the bill.

Results: Defeated 4-6

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	YEA
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 67

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. Sessions

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Franks, Trent (AZ), #10, which would bar prosecutions if the offender was at the time of the offense engaged in expressive conduct such as speech or other lawful activity, including the right to associate with other religious groups or members.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 68

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #11, which would add the general category of any person with an "immutable characteristic" to the hate crime protected categories.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 69

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #12, which would increase the threshold of a hate crime to those with the "intent to intimidate or terrorize the class of persons."

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 70

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #13, which would replace the term "gender" with the term "sex" in the bill, and strike the term "gender identity."

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 71

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #14, which would strike the short title and replace it with "Local Law Enforcement Thought Crimes Prevention Act of 2009."

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 72

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #15, which would provide that when an undocumented worker willfully causes bodily injury to a U.S. national, the crime shall be considered a hate crime and punished as a hate crime.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 73

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #16, which would eliminate pedophilia from any definition of sexual orientation.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 74

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #17, which would protect religious leaders from prosecution for preaching beliefs drawn from the Bible, Tanakh, or Koran.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 75

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #18, which would apply the Act to crimes committed against people while they attend religious services.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 76

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #19, which would add military recruiters to the list of protected classes.

Results: Defeated 3-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	
DREIER	YEA
DIAZ-BALART	
SESSIONS	YEA
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 77

Date: April 28, 2009

Measure: H.R. 1913

Motion By: Mr. McGovern

Summary of Motion: To report the rule.

Results: Adopted 7-3

Vote by Member:

MCGOVERN	YEA
HASTINGS	YEA
MATSUI	
CARDOZA	YEA
ARCURI	YEA
PERLMUTTER	YEA
PINGREE	YEA
POLIS	
DREIER	NAY
DIAZ-BALART	
SESSIONS	NAY
FOXX	NAY
SLAUGHTER	YEA

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

The amendment clarifies that the bill covers tribal lands. It also extends from 30 days to 180 days the period for the Attorney General to approve or deny applications for grants to cover expenses related to state, local, and tribal investigation and prosecution of hate crimes. It clarifies that offenses committed with dangerous weapons can be considered hate crimes. The amendment clarifies that those that engage in prohibited conduct in the special maritime or territorial jurisdiction of the bill shall be covered. The amendment also clarifies that the District of Columbia, Puerto Rico, and other territories and possessions are covered jurisdictions. It bars prosecutions, trials, and punishment for offenses not resulting in death unless the indictment is found or the information is instituted not later than 7 years after the offense. Finally, the amendment makes technical changes to the bill.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

1 (1) or in paragraph (2)(A) (without regard to
2 whether that conduct occurred in a circumstance de-
3 scribed in paragraph (2)(B)) shall be subject to the
4 same penalties as those provided for offenses under
5 those paragraphs.

Page 12, line 3, strike “and”.

Page 12, line 5, strike the period and insert “; and”.

Page 12, after line 5 insert the following:

6 “(C) the term ‘State’ includes the District
7 of Columbia, Puerto Rico, and any other terri-
8 tory or possession of the United States.

Page 12, after line 8, insert the following new sub-
section (and redesignate the succeeding subsection ac-
cordingly):

9 “(d) STATUTE OF LIMITATIONS.—

10 “(1) OFFENSES NOT RESULTING IN DEATH.—

11 Except as provided in paragraph (2), no person shall
12 be prosecuted, tried, or punished for any offense
13 under this section unless the indictment for such of-
14 fense is found, or the information for such offense
15 is instituted, not later than 7 years after the date
16 on which the offense was committed.

1 “(2) DEATH RESULTING OFFENSES.—An in-
2 dictment or information alleging that an offense
3 under this section resulted in death may be found or
4 instituted at any time without limitation.

Page 13, line 5, strike “by the” and insert “by,
the”.

